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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------------|------------------|
| 10/679,173  | 10/03/2003  | Christophe Carret    | 2003-027-TOU STK<br>03027 PU | 2873             |
| 51344   | 7590        | 06/29/2005           | EXAMINER                     |                  |
| STORAGE TECHNOLOGY CORPORATION<br>ONE STORAGE TEK DRIVE, MS-4309<br>LOUISVILLE, CO 80028-4309 |             |                      | WONG, KIN C                  |                  |
|   |             |                      | ART UNIT                     | PAPER NUMBER     |
|   |             |                      | 2651                         |                  |

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                              |  |
|------------------------------|-------------------------------|------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/679,173 | Applicant(s)<br>CARRET ET AL |  |
|                              | Examiner<br>K. Wong           | Art Unit<br>2651             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims (1, 2, 5-7, 11, 14-15 and 17-18) are rejected under 35 U.S.C. 102(e) as being anticipated by Garipey et al (6900960).

Regarding claims 1, 14 and 17: Garipey et al discloses an automated storage system (or library) includes: a media storage facility (as depicted in figure 2 of Garipey et al) that includes plurality of individual medium slot for individual medium (as shown in element 22 of figure 2) and plurality of super set slot (shown as element 22 in figure 2), and accessed by a mechanism which could accesses the medium individually or as superset (see col. 5, lines 1-42 where Garipey et al describes the accesses of individual medium or a group medium).

Regarding claims 2, 15 and 18: Garipey et al teaches that wherein the media storage facility is configured such that supersets can be reorganized, emptied, or created based on a list of individual media present in the media storage facility (see col. 3, lines 28-54 of Garipey et al).

Regarding claims 5, 6, 7 and 11: Garipey et al teaches that wherein the media storage facility is configured such that intermediate supersets can be logically organized

within the physical organization of a parent superset (see col. 3, lines 28-54 of Gariepy et al).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims (3, 4, 8-10, 12-13, 16 and 19-20) are rejected under 35 U.S.C. 103(a) as being unpatentable over Gariepy et al (6900960) in view of Mizukami et al (5598385).

Regarding claims 3, 16 and 19: although Gariepy et al discloses the configuration of supersets that which can be reorganized, emptied, or created. Gariepy et al is silent on reconfiguration that based on a set of instructions or policies imposed by a controlling system. Mizukami et al is relied on for the teachings of reconfiguration that based on a set of instructions or policies imposed by a controlling system (see col. 2, line 52 to col. 3, line 7 of Mizukami et al).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the configuration requirements for organizing the medium set as taught by Mizukami et al. The rationale is as follows: one of ordinary skill in the art would have been motivated to provide the configuration of the organized medium based on the shortest access distance as suggested in col. 2, lines 25-27 of Mizukami et al.

Regarding claim 4: the combination of Gariepy et al and Mizukami et al t considered that wherein the media storage facility is configured such that the organization of the supersets can be a RAID grouping are known within the references because a library system encompasses RAID.

Regarding claim 8: the combination of Gariepy et al and Mizukami et al teaches that wherein the media storage facility is configured to receive supersets and individual media such that system accessible supersets may be created with received individual media and such that received supersets may be split into multiple system accessible individual media or intermediate supersets of media (see col. 3, lines 28-54 and col. 3, line 65 to col. 4, line 12 of Gariepy et al).

Regarding claim 9: the combination of Gariepy et al and Mizukami et al teaches that wherein the media storage facility is configured to manage more types of supersets than the system is organized to receive (see col. 3, lines 28-54 of Gariepy et al).

Regarding claim 10: the combination of Gariepy et al and Mizukami et al considered that wherein the media storage facility is configured such that system accessible individual media may be grouped to form supersets for ejection and such that system accessible supersets may be ejected as a unit or split into multiple individual media for ejection are known within the references because the ejection is a reverse function of the receiving the medium into the system.

Regarding claims 12 and 20: the combination of Gariepy et al and Mizukami et al teaches that wherein the accessing mechanisms are the same physical mechanism (col. 7, lines 25-47 of Gariepy et al).

Regarding claim 13: the combination of Gariepy et al and Mizukami et al teaches that wherein there are a plurality of different types of supersets of media (see col. 1, lines 9-13 of Mizukami et al).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Beglin (6298439) and Dimitri (5818723) are cited for library management.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Wong whose telephone number is (571) 272-7566.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Hudspeth can be reached on (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kw

26 Jun 05

A handwritten signature in black ink, consisting of a stylized 'K' followed by a vertical line.